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# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/757,688 | 01/14/2004 | Lisa S. Purvis | D/A3267 (1508/3940) | 4094 |

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| EXAMINER |
|---|
| TSUI, WILSON W |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2178 | |

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/757,688 | PURVIS ET AL. |
| | Examiner | Art Unit | |
| | Wilson Tsui | 2178 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>14 January 2004</u>.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☒ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20050822</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

## DETAILED ACTION

1.     This office action is filed in response to the application filed on 01/14/2004, and

IDS filed on 8/22/2005.

2.     Claims 1-26 are pending. Claims 1, 9, and 18 are independent claims.

### *Claim Objections*

3.  Claims 1, 5, and 9 are objected to because of the following informalities:

With regards to claims 1, 5, and 9, they all claim "one or mutators". The Examiner

assumes the applicant means, "one or more mutators" instead.

 Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.  Claims 1-3, 5, 9-12, 14, 16, 18-21, 23, and 25 are rejected under 35 U.S.C. 103(a)

as being unpatentable Hind et al (US Patent: 6,463,440 B1, published Oct. 8, 2002,

filed: Apr. 8, 1999) over in further view of Zlotnick (US Patent: 6,778,703 B1, published:

Aug. 17, 2004, filed: Apr. 19, 2000).

With regards to claim 1, Hind et al teaches a system that:

- A source/original document that are comprised of content data (XML) and

    style/layout data (column 1, lines 40-47).

- Uses *one or more elements* as arguments for a matching system to compare *against the same elements in at least a portion each of a plurality of stored documents*: (column 5, lines 5-25: whereas, a matching system is used to compare characteristics used as arguments in a match system against a the same characteristics in a plurality of stored layouts/styles).

- *A determination system that identifies the stored document with the portion which is closest* to the arguments used for the matching system (claim 1: whereas, through partial matching, a style document is selected based on the closest matching characteristic(s) sent to the matching system).

- A *mutation system that applies one or more mutators to the portion of the original document which were used in the portion of the identified stored document*: whereas, each style sheet has one or more "template rule constructs" that is/are used to mutate an original document (column 1, lines 61-67). It is further taught that style sheets can be applied using a browser (column 4, lines 21-24).

However, Hind et al does not teach a system that *compares one or more elements of at least a portion of a original document* against the same elements in at least a portion each of a plurality of stored documents, and a determination system that identifies the stored document with the portion which is closest to the portion *of the original document based on the comparing*.

Zlotnick teaches a system that:

- *Compares one or more elements of at least a portion of a original document against the same elements in at least a portion each of a plurality of stored*

*documents*: Whereas, for each portion compared, icons representing elements of the original document, are compared to icons in a plurality of stored documents (column 11, lines 57-60).

- *A determination system that identifies the stored document with the portion which is closest to the portion of the original document based on the comparing*: whereas, a portion/area of a first template/document, is being compared to other document/templates, and a stored document/template is selected based on the closest matching score (column 2, lines 38-45:).

Furthermore, Zlotnick and Hind et al are analogous art since they are from the same problem solving area: dynamic selection of template/layout documents.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al's matching system such that would have further compared elements in the original document and identified a stored document based on the elements closest to the portion of the original document as the method is taught by Zlotnick's system. The combination of Hind et al and Zlotnick would have allowed Hind et al's system to have been able to use style data of an original document as input to the matching system, thus dynamically selecting the best style sheet document based on the original style/layout factors.

With regards to claim 2, Hind et al teaches a matching system for comparing, as explained in claim 1, and is rejected under the same rationale. However, Hind et al does not teach a system further comprising a *selection system that selects the portion of the original document for the comparing*.

Zlotnick teaches a *selection system that selects the portion of the original*

*document for the comparing* (column 2, lines 23-25: whereas portions or reference

areas are chosen in a document).

It would have been obvious to one of the ordinary skill in the art at the time of the

invention to have modified Hind et al's system to have used Zlotnick's method for

selecting a portion of a document for comparing as input to Hind et al's matching

system. The combination of Hind et al and Zlotnick would have allowed Hind et al's

system to have controlled the size of an element set being searched for in the plurality

of stored documents.

With regards to claim 3, which depends on claim 1, Hind et al teaches a system

comprising a *determination system*, as explained in claim 1, and is rejected under the

same rationale. However, Hind et al does not teach the determination system *further*

*comprises a scoring system that generates a score for each of the comparisons of the*

*portion of the original document against each of the portions of each of the plurality of*

*stored documents, wherein the determination system identifies the stored document*

*with the portion with the score which is closest to the portion of the original based on the*

*generated scores.*

Zlotnick teaches a determination system further comprises *a scoring system that*

*generates a score for each of the comparisons of the portion of the original document*

*against each of the portions of each of the plurality of stored documents, wherein the*

*determination system identifies the stored document with the portion with the score*

*which is closest to the portion of the original based on the generated scores* (column 2,

lines 38-45: whereas, the 'current'/original document/template is, is being compared to other document/templates, and a stored document/template is selected based on the closest matching score).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al's determination system such that it would have included a comparison ranking system for selection of the closest matched stored document as taught by Zlotnick. The combination of Hind et al and Zlotnick would have allowed Hind et al's system to have "provided improved methods for automatically identifying which of a plurality of templates (documents) corresponds to a given form document" (Zlotnick, column 2, lines 10-14).

With regards to claim 5, Hind et al teaches a system further comprising *an application system that determines which of the one or more mutators which were used in the portion of the identified stored document are to be used by the mutation system on the original document* (column 5, lines 36-46: whereas, the application system determines the one or more mutators by mapping characteristic pairs used for a particular stored style document).

With regards to claim 9, for a method performing a similar method as the system in claim 1, is rejected under the same rationale.

With regards to claim 10, Hind et al and Zlotnick teach a similar method for *comparing, identifying, applying on a portion of a document*, in claim 1, and is rejected under the same rationale.

Additionally, Zlotnick teaches a method for *comparing, and identifying one or more portions of the original document* (column 2, lines 38-39: where multiple reference areas/portions are defined).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al and Zlotnick's system for comparing, identifying, applying a portion of the original document, to have also further included the method for processing more one or more portions as taught by Zlotnick as well. The combination of Hind et al and Zlotnick would have allowed Hind et al's system to have selectively processed one or more areas/portions to undergo localized mutation.

With regards to claim 11, for a method performing a similar method as the system in claim 2, is rejected under the same rationale.

With regards to claim 12, for a method performing a similar method as the system in claim 3, is rejected under the same rationale.

With regards to claim 14, for a method performing a similar method as the system in claim 5, is rejected under the same rationale.

With regards to claim 16, Hind et al and Zlotnick teach a similar method as the system in claim 7, is rejected under the same rationale.

With regards to claim 18, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 1, and is rejected under the same rationale.

With regards to claim 19, for instructions stored on a computer readable medium causing a processor to perform a similar method to claim 10, and is rejected under the same rationale.

With regards to claim 20, for instructions stored on a computer readable medium causing a processor to perform a similar method to as the system in claim 2, is rejected under the same rationale.

With regards to claim 21, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 3, is rejected under the same rationale.

With regards to claim 23, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 5, is rejected under the same rationale.

With regards to 25, for instructions stored on a computer readable medium causing a processor to perform a similar system as taught by Hind et al and Zlotnick in claim 7, is rejected under the same rationale.

5.  Claims 4, 13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al (US Patent: 6,463,440 B1, published Oct. 8, 2002, filed: Apr. 8, 1999) and Zlotnick (US Patent: 6,778,703 B1, published: Aug. 17, 2004, filed: Apr. 19, 2000) in further view of Brown et al (US Patent: 6,880,014 B1, published: Apr. 12, 2005, filed: Sep. 24, 2001).

With regards to claim 4, which depends on claim 1, Hind et al and Zlotnick teaches a system that:

- Compares a *portion of the original document*, as explained in claim 1, and is rejected under the same rationale.

- Comprises *a mutation system* that *applies mutators*, as explained in claim 1, and is rejected under the same rationale.

However, Hind et al and Zlotnick does not teach a system *further comprising an ordering system that determines an order for the mutation system to apply the mutators*. Brown et al teaches a system further comprising *an ordering system that determines an order for the mutation system to apply the mutators* (column 4, lines 45-51: whereas, a transcoding system using style sheets, apply mutators in a determined order).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al's system mutation system to further include an ordering system as taught by Brown et al. The combination would have allowed Hind et al's system to have "provided a tailored transcoded response (to be) sent back to the user's client machine" (Brown et al, column 2, lines 13-15).

With regards to claim 13, for a method performing a similar method as the system in claim 4, is rejected under the same rationale.

With regards to claim 22, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 4, is rejected under the same rationale.

6. Claims 6 – 8, 15, 17, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al (US Patent: 6,463,440 B1, published Oct. 8, 2002, filed: Apr. 8, 1999) and Zlotnick (US Patent: 6,778,703 B1, published: Aug. 17, 2004, filed:

Apr. 19, 2000) in further view of Wanderksi et al (US Patent: 6,519,617 B1, published:
Feb. 11, 2003, filed: Apr. 8, 1999).

With regards to claim 6, which depends on claim 1, Hind et al teaches a mutation
system that *applies one or more mutators*, in claim 1, and is rejected under the same
rationale. However, Hind et al does not teach a system further comprising *an output
system, which outputs the original document after* application of the mutators.

However, Wanderski et al teaches a system comprising *an output system, which
outputs a source/original document after application of the mutators* (column 14, lines
48-52: whereas, the original document is generated and sent as output to other
computers).

It would have been obvious to one of the ordinary skill in the art at the time of the
invention to have modified Hind et al's mutation system to further include the ability to
output the generated version of the original document as taught by Wanderski et al. The
combination would have allowed Hind et al's system to have communicated to other
clients/systems, the generated/mutated version of the original document.

With regards to claim 7, Hind et al teaches *a system further comprising an
identification system that identifies the output system wherein one of the elements used
in the comparison system is the identified output system against an output system used
for each of the stored documents and wherein the determination system uses the
comparison of the identified output system against an output system for each of the
stored documents in identifying the stored document with the portion which is closes to*

*the* arguments used in the matching system (column 8, lines 59-64: whereas, the comparison includes the type of output/display system that a style document uses).

Zlotnick teaches *comparing a set of stored documents against an original document*, as explained in claim 1, and is rejected under the same rationale.

It would have been obvious to one of the skill in the ordinary art at the time of the invention to have modified Hind et al's matching system such that output was based on the style/template an original document as taught by Zlotnick. The combination would have allowed Hind et al's system to have been able to produce a presentation of the original document as close as possible to what is supported by the output device.

With regards to claim 8, which depends on claim 1, Hind et al does not teach a system further comprising *storing the output, original document with the applied mutators as one of the stored documents.*

However, Wanderski et al teaches a system comprising *storing the output, original document with the applied mutators as one of the stored documents* (column 14, lines 48-52: whereas, the DTD contains one or more mutators for the document, and the generated output can be stored for later processing).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Hind et al's system to have further included the ability to store the output as one of the stored documents as taught by Wanderski et al. The combination of Hind et al and Wanderski et al would have helped Hind et al's system to have "automatically transformed documents using dynamically-selected transformations" (Wanderski et al, column 4, 13-14).

With regards to claim 15, for a method performing a similar method as the system in claim 6, is rejected under the same rationale.

With regards to claim 17, for a method performing a similar method as explained in the system of claim 8, is rejected under the same rationale.

With regards to claim 24, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 6, is rejected under the same rationale.

With regards to claim 26, for instructions stored on a computer readable medium causing a processor to perform a similar method as the system in claim 8, is rejected under the same rationale.

### *Conclusion*

7.  The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Schilit et al (US Patent: 6,842,876 B2 , published: Jan. 11, 2005, filed: Apr. 14, 1998): This reference teaches scoring documents based on similarity using grouping/clustering techniques.

- Iijima (US Patent: 5,845,304, published: Dec. 1, 1998, filed: Apr. 12, 1996): This reference teaches an input source document that has it's elements compared to the same type of elements in plurality of stored documents.

- Mander et al (US Application: US 2002/0080180 A1, published: Jun. 27, 2002, filed: Feb. 27, 2001): This reference teaches document clustering techniques based on similarity of content, and a score/ranking system.

- Wright et al (US Patent: 4,751,740, published: Jun. 14, 1988, filed: Dec. 10, 1984): This reference teaches structure translation by comparing portions of a document.

- Cromerty et al (US Patent: 6,393,442 B1, published: May 21, 2002, filed: May 8, 1998): This reference teaches generating a plurality of different presentations given a source document and choosing a particular output format for customized presentation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wilson Tsui whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.
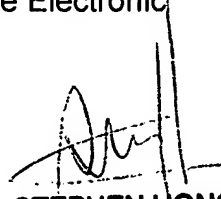
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Wilson Tsui
Patent Examiner
Art Unit: 2178
March 15, 2006

STEPHEN HONG
SUPERVISORY PATENT EXAMINER